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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/08/2001

Muneyasu Fukunaga

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10/13/2006

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,382	FUKUNAGA, MUNEYASU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kirsten S. Apple	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 112***

In view of the applicants amendments the 112 rejections is hereby withdrawn.

***Claim Rejections - 35 USC § 103***

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-14 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,088,686) in view of Rose (Commercial Bank Management, by Peter Rose, 1991)

**Re claim 1:** Walker discloses:

A method for electronically setting credits,

- wherein a terminal device operated by a member, (See Walker, Figure 1A, Item 50)
- credit line management device possessed by a credit granting organization are (See Walker, Figure 1A, Item 52)
- connected through a telecommunications network to an information brokering management device possessed by a credit brokering organization for brokering the exchange of information among each of said devices; (see Walker, Figure 1B, Item 54) and

wherein this information brokering management device receives credit line application information sent from said terminal device (see Walker, Figure 40, Item 2004) and sends this

to said credit line management device; receives credit line information determined from said credit line management device (Walker, Figure 41, Item 2032) , and sends this information to said terminal device;

With the permission of the member, the information brokering management device take position of the membership title as collateral. (see Walker, column 19, line 53 “relating to applicant’s collateral)

The information brokering management device establishes a credit line on the basis of the collateral of the membership. (see Walker, column 19, line 53 “relating to applicant’s collateral)

after said credit line is established by said credit granting organization, this information brokering management device receives notification that said credit line is established from said credit line management device, and sends this information to said terminal device. (see Walker, Figure 51, item 2252)

Although Walker does not have a “membership”, Rose teaches that a membership or other valued contact or physical position can be used as collateral. Walker claim explains that “collateral” would be one of the criteria for a lending decisions (see Walker, column 19, line 53 “relating to applicant’s collateral)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add membership as a form of collateral as taught in Rose to Walker.

It is clear that one would be motivated to give more options to the customer.

**Re Claim 2.** Walker discloses:

The method for electronically setting credits,

wherein an appraisal management device possessed by an appraisal organization for appraising said membership is connected through said telecommunications network to said information brokering management device (see Walker, Figure 1B, Item 54); and

wherein, instead of sending said credit line application information to said credit line management device, said information brokering management device sends said credit line application information to said appraisal management device, receives market value information for said membership appraised by said appraisal organization from said appraisal management device, and sends this along with said credit line (see Walker, Figure 1B, Item 54);

**Re Claim 3.** Walker discloses:

The method for electronically setting credits:

receiving a notification that said credit line is established from said credit line management device, (see Walker, Figure 44, item 2112) and sending this information to said terminal device, said information brokering management device receives information regarding the completion of said process (see Walker, Figure 45, item 2142) and commands said credit line management device to establish said credit line on the basis of said credit line information, and to notify said terminal device that said credit line is established after the establishment of the credit line (see Walker, Figure 44, item 2112)

**Re Claim 4, 5 & 6**

The method claims 1, 2 & 3 are similar to system claims 4, 5 & 6. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claims 4, 5 & 6 are rejected based on the information provided regarding claims 1, 2 & 3.

**Re Claim 7.** Walker discloses

The system for electronically setting credits, wherein a plurality of said appraisal organizations which are provided said appraisal management devices is established (see Walker, Figure 1A, item 54); and said means for acquiring market value information send said credit line application information identically to the plurality of said appraisal management devices (see Walker, Figure 1A, item 26), receive a plurality of said market value information, and use said market value information which is the greatest, the least, or an intermediate amount from among the information received (see Walker, Figure 1A, item 54).

**Re Claim 8:** Walker discloses

The system for electronically setting credits, wherein a plurality of said credit granting organizations possessing said credit line management devices is established (see Walker, Figure 1A, item 52); and said means for acquiring said credit line information send said credit line application information, or this credit line application information and said market value information (see Walker, Figure 1B, item 54), identically to said plurality of credit line management devices, receive a plurality of said credit line information, and command the establishment of said credit line to said credit line management device that sent said credit line of the greatest amount from among the information received. (see Walker, Figure 44, item 2116)

**Re Claim 9:** Walker discloses

The system for electronically setting credits, and said means for receiving said credit line application information determines the issuing organization of said membership on the basis of said credit line application information (see Walker, Figure 44, item 2112), and makes the issuing organization determined said membership issuing organization in the subsequent processing (see Walker, Figure 1A, item 52)

**Re Claim 10:** Walker discloses

The system for electronically setting credits, wherein a registration device possessed by a registration organization is connected through said telecommunications network to said information brokering management device (see Walker, Figure 1A, Item 16); and said credit line application information, said credit line information, or both are registered in said registration device (see Walker, Figure 1A, Item 12)

**Re Claim 11:** Walker discloses

The system for electronically setting credits, wherein a plurality of said credit appraising organization, wherein a plurality of appraisal organization which are provided appraisal management devices is established (see Walker, Figure 1B, Item 54) and

Means for acquiring market value information send credit line application information identically to the plurality of appraisal management devices (see Walker, Figure 1B, Item 27), receive a plurality of market value information and use market value information which is the greatest, the least or an intermediate amount from among the information received (see Walker, Figure 1B, Item 26).

**Re Claim 12:** Walker discloses

The system for electronically setting credits, wherein a plurality of said credit granting organizations possessing credit line management devices is established (see Walker, Figure 1A, Item 52).

Means for acquiring credit line information send credit line application information or this credit line application information and market value information, identically to plurality of credit line management devices, (see Walker, Figure 1A, Item 20) receive a plurality of said credit line information and command the establishment of credit line to credit line management device that sent credit line of the greatest amount from amount the information received (see Walker, Figure 1A, Item 17).

**Re Claim 13:** Walker discloses

The system for electronically setting credits, wherein a plurality of said membership issuing organizations is established and

Means for receiving credit line application information and makes the issuing organization determined membership issuing organization in the subsequent processing.

**Re Claim 14/ 4-5:** Walker discloses

The system for electronically setting credits, wherein a plurality of a registration device possessed by a registration organization is connected through a telecommunication network to said information brokering management device

***Response to Arguments***

Applicant's arguments filed 07/07/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>st</sup>:



“There is no mention in Rose of using a membership as collateral”

The Examiner refutes the argument made by the Applicant and draws the attention to Rose, page 182-183, “In assessing the collateral aspect of a loan, the loan officer must ask: Does the borrower... own a sufficient amount of quality assets or other items of value to provide adequate support for the loan?” Clear if the “membership” since it has a value associated with it would be considered an “asset or item of value.” To further express this point the examiner has included two additional sources that define “collateral” an “asset.” According to “the Securities Industry Glossary” (SIG) collateral includes “other property pledged by a borrower” and an asset includes “everything of value.” In addition, the examiner would also like express while there have been many references provided that feature the applicant is arguing of “using a membership as collateral” could be overcome merely by official notice. One of ordinary skill in the art would know that “anything of value” could be used as an asset for collateral to secure a loan.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
ELLA COLBERT  
PRIMARY EXAMINER